

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**KEITH MACK AND CANTINA MACK, : CIVIL ACTION NO. 1:14-CV-90**

:  
**Plaintiffs** : **(Chief Judge Conner)**  
:  
**v.** :  
:  
**PILOT TRAVEL CENTERS, LLC, d/b/a :**  
**PILOT FLYING J,** :  
:  
**Defendant** :  
:

**ORDER**

AND NOW, this 1st day of February, 2016, upon consideration of the report (Doc. 55) of Magistrate Judge Karoline Mehalchick, recommending that the court deny the motion (Doc. 37) for summary judgment filed by defendant Pilot Travel Centers, LLC, d/b/a Pilot Flying J (“Pilot”), wherein the magistrate judge opines that plaintiffs Keith and Cantina Mack (the “Macks”) have established genuine disputes of material fact to preclude summary judgment in Pilot’s favor as to the Macks’ negligence claim, (see Doc. 55 at 10-18), in particular, with respect to the issues of causation and notice, (see id.), and the court noting that Pilot has filed objections (Doc. 56) to the report, see FED. R. CIV. P. 72(b)(2), and a brief (Doc. 57) in support thereof, wherein Pilot restates many of the same arguments raised in support of its underlying Rule 56 motion, (see id. at 4-15), and, following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing 28 U.S.C. § 636(b)(1)(C); Sample v.

Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court finding Judge Mehalchick's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding Pilot's objections to be without merit, it is hereby ORDERED that:

1. Magistrate Judge Mehalchick's report (Doc. 55) is ADOPTED.
2. Pilot's motion (Doc. 37) for summary judgment is DENIED.
3. The parties are directed to meet and confer with the goal of developing an appropriate schedule for further proceedings. On or before Friday, February 12, 2016, the parties shall submit a joint proposed schedule to the court or, in the event the parties are unable to agree, shall submit individual proposed schedules for the court's consideration.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania